

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
S/S Moores Valley Drive, 346'
E of c/l Mariposa Road
2739 Moores Valley Drive
3rd Election District
2nd Councilmanic District
Philip Diamond, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-17-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 Baltimore County Zoning Regulations (B.C.Z.R.) to construct an accessory structure (swimming pool) to be located in the rear yard with a 0 ft. setback at side of property in lieu of the required 2.5 ft. setback, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, together with their neighbor (see Case 91-16-A), the subject property, known as 2739 Moores Valley Drive, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow an accessory structure (swimming pool) together with their neighbor to be located in the rear yard and on an adjoining lot with a common property line and shared by both families.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. The Petitioners have agreed, as shown on Petitioners' Exhibit No. 3, to remove the swimming

pool if either party demands its removal, sells the property to a third party, or for any other reason, needs the pool removed. The parties shall specifically agree that the pool shall be removed at the expense of the remaining party after a sale or at the expense of both parties if, for any reason, one party requires its removal. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of August, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 Baltimore County Zoning Regulations (B.C.Z.R.) to construct an accessory structure (swimming pool) to be located in the rear yard with a 0 ft. setback at side of property in lieu of the required 2.5 ft. setback, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this

Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall have a Covenant Agreement prepared and filed in the Land Records of Baltimore County which specifically requires the removal of the subject swimming pool upon demand of either party (See case No. 91-16A), as proposed on Petitioners' Exhibit No. 3. The Covenant Agreement shall be filed in the Land Records of Baltimore County on or before March 1, 1991 and a copy of the stamped Covenant Agreement shall be submitted to the Zoning Commissioner on or before July 1, 1991.

4. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH/mmm
cc: Peoples Counsel

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 27, 1990



Dennis F. Rasmussen
County Executive

Mr. and Mrs. Philip Diamond
2739 Moores Valley Drive
Baltimore, Maryland 21209

RE: Petition for Residential Zoning Variance
Case No. 91-17-A

Dear Mr. and Mrs. Diamond:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel
cc: Mr. and Mrs. Olwyn Diamond

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 to construct an accessory structure in rear yard with a 0' setback at side of property in lieu of the required 2.5' setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons:
(Indicate hardship or practical difficulty)

- (1) For proper supervisory views and access because of rising elevation of rear lots configuration.
- (2) To correctly balance the natural drainage as per existing grades.
- (3) Closer access for elderly pool users.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, when filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Philip Diamond
(Type or Print Name)
Signature
Janice L. Diamond
(Type or Print Name)
Signature

Address
2739 Moores Valley Drive 484-7443
Baltimore, Maryland 21209
City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name
Address
City/State/Zip Code

Witness's telephone number

Witness's name

Witness's address

Witness's city/State/Zip Code

Witness's telephone number

Witness's name

Witness's address

Witness's city/State/Zip Code

Witness's telephone number

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Witness's city/State/Zip Code

Witness's telephone number

Witness's name

Witness's address

Witness's city/State/Zip Code

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon settlement will reside at
2739 Moores Valley Drive, Baltimore, Maryland 21209
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
Same as front side.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Janice L. Diamond
AFFIANT (Handwritten Signature)
Philip Diamond
AFFIANT (Handwritten Signature)

Janice L. Diamond
AFFIANT (Printed Name)
Philip Diamond
AFFIANT (Printed Name)

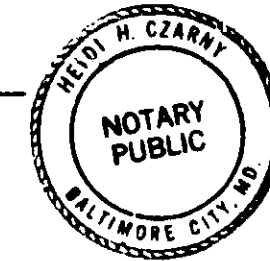
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of August, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Philip Diamond and Janice L. Diamond

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE 7-29-90



Notary Public
My Commission Expires 5-1-92

ZONING DESCRIPTION

Beginning at a point on the South side of Moores Valley Drive which is 50 feet right-of-way wide at the distance of 176 feet east of the center-line of the nearest improved intersecting street Mariposa Road which is 50 feet right-of-way wide.

Being Lot #188, Section #1, Plat #1 in the subdivision of Greenspring East as recorded in Baltimore County Plat Book #57, Folio #140, being 14,080 square feet.

Also known as 2739 Moores Valley Drive and located in the 43 Election District.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

PUBLIC HEARING FEES
010 - ZONING OFFICIALS FEE
080 - POSTING SIGNS / ADVERTISING
LAST NAME OF OWNER

receipt

Account: R-001-6150
Number
No 2606
2592

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 3rd Date of Posting July 24, 1990
Posted for: Residential Variance
Petitioner: Philip Diamond et ux
Location of property: 2739 Moores Valley Drive, 346' E of c/l of Mariposa Road
Location of signs: In front of 2739 Moores Valley Drive
Remarks: L.J. Post
Posted by: L.J. Post Date of return: July 27, 1990
Number of signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 17, 1990



Mr. & Mrs. Philip Diamond
2739 Moores Valley Drive
Baltimore, Maryland 21209

Re: CASE NUMBER: 91-17-A
ITEM NUMBER: 420
LOCATION: 2739 Moores Valley Drive

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 1, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 16, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

/s/
G. G. Stephens
(301) 887-3391

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 30, 1990



Mr. & Mrs. Philip Diamond
2739 Moores Valley Drive
Baltimore, MD 21209

RE: Item No. 420, Case No. 91-17-A
Petitioner: Philip Diamond, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Diamond:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

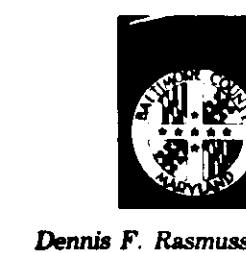
IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
/s/
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
10th day of June, 1990.

/s/
J. Robert Haines
ZONING COMMISSIONER

Received By:

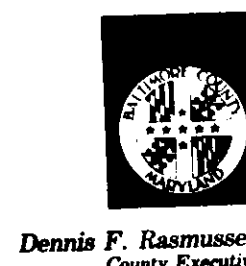
/s/
Chairman,
Zoning Plans Advisory Committee

Petitioner: Philip Diamond, et ux

Petitioner's Attorney:

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

JULY 20, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PHILIP DIAMOND
Location: #2739 MOORES VALLEY DRIVE
Item No.: 420 Zoning Agenda: JULY 31, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: */s/* Noted and Approved */s/* Captain W. E. Bedeja, Jr.
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
JULY 20, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: 420
PROPERTY OWNER: Philip Diamond, et ux
LOCATION: S/S Moores Valley Road, 346' of centerline Hariposa Road (#2739 Moores Valley Road)
ELECTION DISTRICT: 3rd
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- (X) OTHER - IT WOULD APPEAR THAT THE LOCATION IS IN VIOLATION OF SECTION 625.4. SINCE NO OTHER SPECIFIC RULES EXIST.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

JUL 24 1990

LIBER 8727 PAGE 293

COVENANT

THIS COVENANT, MADE THIS 27 DAY OF July, 1991, by and between OLWYN DIAMOND and MYRNA B. DIAMOND, husband and wife, of Baltimore County, Maryland, and PHILIP DIAMOND and JANICE LESLIE DIAMOND, husband and wife, of Baltimore County, Maryland.

WHEREAS, OLWYN DIAMOND and MYRNA B. DIAMOND, husband and wife, are the owners of Lot No. 188 as shown on a Plat entitled, "1st Amended Section 1, Plat 1, GREENSPRING EAST", which Plat is recorded among the Land Records of Baltimore County in Plat Book SM No. 57, folio 140, the improvements thereon being known as No. 2737 Moores Valley Drive; and PHILIP DIAMOND and JANICE LESLIE DIAMOND, husband and wife, are the owners of Lot No. 187 as shown on Plat entitled, "1st Amended Section 1, Plat 1, GREENSPRING EAST", which Plat is recorded among the Land Records of Baltimore County in Plat Book No. 57, folio 140, the improvements thereon being known as No. 2739 Moores Valley Drive; and are desirous of subjecting said lots and property to the covenant hereinafter set forth.

WHEREAS, the parties hereto wish to erect or have built a swimming pool on said properties;
NOW, THEREFORE, THIS COVENANT WITNESSETH that in full consideration, that the performance of and compliance with the covenant hereinafter set forth, it is hereby agreed between the

Parties hereto:
RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
for Baltimore County
Date: 2-26-92 Sec. 11-88
TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
NOT APPLICABLE
Per: */s/* Authorized Signature
SIGNATURE */s/* DATE 7/26/91

RECEIVED
MAR 18 1991
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: July 19, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: James F. Seal, Item No. 1
James R. Gernhart, Jr., Item No. 3
William A. Jenkins, et al, Item No. 5
Richard M. Post, Item No. 7
Robert Lee Rodowski, Item No. 8
Seven Courts Development Partnership, et al, Item No. 9
Roger Scott Weinberg, Item No. 10
George MacDonald, Item No. 14
Olwyn Diamond, Item No. 419
Philip Diamond, Item No. 420
Mark K. Harvey, Item No. 439
Michael John Reddy, Item No. 440
David Seymour Allen, Item No. 441
Robert Frank Bolling, Item No. 442
Nicholas Stamatacos/Angelina Stamatacos, Item No. 444
Stephen B. Leese, Sr., Item No. 445
Harry R. Kleinhen, Item No. 447
Alpha J. Davis, Jr. Item No. 448
Judith L. Early, Item No. 455
David Shimony, Item No. 456
Rick Riggs, Item No. 457
James Paskert, Item No. 458
James M. Burke, Item No. 459
John A. Meyers, Item No. 465

In reference to the above-mentioned cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

JUL 24 1990

LIBER 8727 PAGE 293

The parties hereto agree to the construction of an accessory structure (swimming pool) on said properties, said structure to be located in the rear yard of said properties, the property line to be shared by all parties.

The parties hereto, or their assigns, agree to remove the accessory structure (swimming pool) if either party (OLWYN DIAMOND and MYRNA B. DIAMOND or PHILIP DIAMOND and JANICE LESLIE DIAMOND) demands its removal, sells the property to a third party who demands its removal at some future date or for any other legally binding reason that would require the removal of the structure. Said cost of removal is to be shared equally by both parties or their assignees in title.

The parties hereto hereby grant cross easements over each others property for access to and from said accessory structure (swimming pool) during the construction thereof and at any time thereafter while the said structure remains on said properties.

WITNESS THE HANDS AND SEALS OF THE PARTIES HERETO.

WITNESS:

/s/ OLWYN DIAMOND (SEAL)
/s/ MYRNA B. DIAMOND (SEAL)
/s/ PHILIP DIAMOND (SEAL)
/s/ JANICE LESLIE DIAMOND (SEAL)

2

91-17-A

General Power of Attorney

Know all Men whom it may concern:

I, the undersigned

PHILIP DIAMOND
Identity Number
JANICE LESLIE DIAMOND
Identity Number 500412 0058 00
Married out of community of property
to each other

do hereby nominate, constitute and appoint

OLWYN DIAMOND

to be my Attorney(s) and Agent(s) for managing and transacting my business in THE REPUBLIC OF SOUTH AFRICA AND IN EVERY TERRITORY OR COUNTRY ANYWHERE IN THE WORLD.

with full power and authority for me/us and in my name and for my account and benefit to ask, demand, sue for, recover and receive all debts or sums of money, goods, effects and things whatsoever which now are or hereafter may become due, owing, payable or belong to me/us.

AND to adjust, settle, compromise and submit to arbitration all accounts, debts, claims, demands, disputes and matters which may subsist or arise between me/us and any person, persons, Company(ies), Corporation(s) or body(ies) whatsoever and for the purpose of arbitration to make the necessary appointments and sign and execute the necessary acts and instruments in that behalf.

AND to let, either on lease or otherwise, and also to improve, alter, or otherwise deal with any stands, houses or other property belonging to me/us or with which I/we are entitled to deal.

AND to collect and receive rents, and, if necessary, cancel any lease or other tenancy and take all legal proceedings for ejectment or otherwise in connection with such lease or other tenancy, or the cancellation thereof.

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FORM P/A28-1

AND to open and operate any account with a Financial Institution and to overdraw such account; to draw, sign and endorse cheques; to draw, accept and endorse bills of exchange and promissory notes; to negotiate for and take discounts and loans with or without security; to pledge any species of security for the repayment thereof; and to withdraw securities and to sign receipts therefor; to establish credits for others; to guarantee payment of any liability or indebtedness of others; to bind me/us as surety "in solidum" and as co-principal debtor and under renunciation of the benefits of division and excussion.

AND to buy or sell movable or immovable property (including Stands) and also Claims and other Mining Rights of all kinds and in connection with any purchase or sale to make the necessary Declaration as to the truth of the amount of the purchase price; to receive or to make and give, as the case may be, the necessary contracts or acts and deeds of transfer or leases of and relating to any immovable or leasehold property, stands, claims or mining rights or mining titles in due and customary form according to the local laws and usages.

AND to invest any money in my name on Mortgage of movable, immovable or leasehold property and from time to time to vary or alter such investments should it be deemed necessary or expedient to do so, and to consent to the modification of all or any of the terms, or to the cancellation of any Bond or Bonds and to cede the same or any interest thereunder to any person or persons acquiring the same.

AND to take up money under security of property movable or immovable and to appear before any Registrar of Deeds, or any official with like duties and powers, or any Magistrate, Notary Public or other competent authority, and to make and execute all such Mortgage Bonds or other Securities as may be requisite or necessary in that behalf or to secure debts due by me/us before the passing of such Bonds or that may become due thereafter under obligation of my person and property of every description.

AND to waive any rights that I/we may have or be or become entitled to as usufructuary(ies) in respect of any property of the holder or holders of any bond or bonds thereover.

AND to commence, and prosecute and to defend, compound and abandon all actions, suits, claims and demands and proceedings in regard to me/us or my property or in relation to my affairs in or before any Court or other body of persons in the Republic of South Africa and in any Territory or Country anywhere in the world.

AND to suffer judgment or decree to be given against me/us in any of such proceedings by default as my/our said Attorney shall deem fit.

AND to attend all meetings of Creditors of any person or persons, Company or Companies, Syndicate or Syndicates, indebted to me/us whether in insolvency or otherwise and to prove my claim at any such meeting or meetings and to vote for the election of a Trustee or Trustees or to consent to the assignment of the Estate of any of my/our Debtors to sign the necessary deeds and to vote for the election of an Assignee or Assignees, and also to vote on all questions submitted to any such meeting of Creditors and generally to exercise all rights attaching to me/us as Creditor.

AND to attend meetings of persons interested in any Estate, Testate or Intestate, with which I/we may be concerned as next of kin, heir, legatee, creditor or otherwise, to vote for the appointment of any Executor or Executors Dative to do whatever may be required to prove my claim, and to act for me/us in all matters pertaining to such Estate.

AND make application in my/our name for shares in any Company or Syndicate, to receive such shares as may be allotted to me/us and to sign any Memorandum and Articles of Association and other documents requiring the signature of Shareholders.

AND to appear in person or by proxy at the Meetings of Shareholders of any Company or Syndicate in which I/we may hold a share or shares and to vote thereat on my/our behalf.

AND to buy, sell, and exchange Script or Shares and to sign the necessary transfers and documents to pass title thereto.

AND further to give and grant receipts, releases or other effectual discharges for any sum of money or thing recovered on my/our behalf, which receipt whether given in my/our name or in the name of my/our Attorney shall exonerate the person or persons paying such moneys from seeing to the application thereof.

AND for me and in my name to enter into Partnership, dissolve or liquidate any Partnership and to sell or transfer any Partnership property and to represent me in all matters relating to any Company or Companies that may at any time hereafter be registered or incorporated in the Republic of South Africa or in any Territory or Country anywhere in the world.

AND to sign or execute any Deed or Instrument in writing as effectually as I/we might or could do if personally present.

AND to choose "domicilium citandi et executandi"; AND GENERALLY to do, execute and suffer any such act, deed, matter or thing whatsoever, as the said Attorney may deem necessary or expedient in or about my/our concerns, HEREBY GIVING AND GRANTING to the said Attorney power to appoint a substitute or substitutes, and the same at pleasure to displace or remove and appoint another or others, hereby ratifying and agreeing to ratify whatsoever shall be done or suffered by virtue of these presents.

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FORM P/A28-2

AND without in any way restricting or limiting the aforementioned general powers and authorities, I/we do hereby specially authorise my/our said Attorney and Agent to do all or any of the following acts, matters and things in relation to any Company or Companies in the Republic of South Africa or in any Territory or Country anywhere in the world.

1. To sign and subscribe my/our name to the Memorandum and Articles of Association of any such Company or Companies as a member thereof, and to undertake to purchase from such Company or Companies and subscribe to the Memorandum of Association of all or any of such Company or Companies for such number of shares in the Share Capital of the Company or Companies as my/our said Attorney and Agent may deem fit.

2. In my/our name and on my/our behalf and in respect of all or any of such Company or Companies to sign, execute and deliver and cause to be lodged with the Registrar of Companies or other competent official, a consent in writing to act as a Director on the Board of Directors of any such Company or Companies and in terms of the Companies Act, 1973, of the Republic of South Africa or any similar legislative provision in any Territory or Country anywhere in the world.

3. If so deemed necessary and in lieu and instead of subscribing the Memorandum of Association of any such Company or Companies, in my/our name and on my/our behalf to sign, execute and deliver and lodge with the Registrar of Companies aforesaid a contract in my/our name and on my/our behalf to take from and pay unto any such Company or Companies such number of shares in the Share Capital of the Company concerned as will be necessary to qualify me/us as a Director(s) in terms of the Companies Act 1973, of the Republic of South Africa or any similar legislative provision in any Territory or Country anywhere in the world.

4. Upon my/our being named as a Director or proposed Director in any Prospectus or statement in lieu of Prospectus, to be lodged by any such Company or Companies, to sign and execute such Prospectus or statement in lieu of Prospectus in my/our name and on my/our behalf.

5. SPECIAL PROVISIONS

THIS DONE AND EXECUTED at PORT ELIZABETH
on the 20th day of JUNE 1990
in the presence of the undersigned witnesses.

AS WITNESSES:

1. *[Signature]*

2. *[Signature]*

HERMANUS DE VRIES LAMPRECHT
PROFESSIONAL ATTORNEY—F.S.A.
12 GRAHAM STREET
PORT ELIZABETH
6011

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FORM P/A28-3

The undersigned, legal owners of the properties situated in Baltimore County, hereby agree that should either party for whatever reason, sell, or be forced to sell, their home, then the proposed pool will be removed, at our expense, should the new owner(s) so desire.

LEGAL OWNERS:

Olwyn Diamond

Myrna B. Diamond

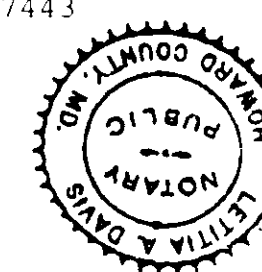
2737 Moores Valley Drive
Baltimore, Md. 21209
Telephone: (301) 484-7443

LEGAL OWNERS:

Philip Diamond

Janice B. Diamond

2739 Moores Valley Drive
Baltimore, Md. 21209
Telephone: (301) 484-8826



MY COMMISSION EXPIRES
JULY 1, 1990

420

91-17-A

PLAT TO ACCOMPANY PETITION FOR:
ZONING VARIANCE SET 400.1
(1 SETBACK IN LIEU OF REQ. 2.5' SETBACKS.)
SEE "OWNER'S AGREEMENT NOTE"

Petitioner's
Exhibit 1

LOCATION 1

"GREENSPRING ESTATES" SET 61: PLAT,
LOT 180 BEING #2737 & 14,000.8;
LOT 181 BEING #2739 & 14,603.5
BOTH ZONED DR 3.5 PLAT B.L.S. 10/14/80
SERVICED BY PUBLIC WATER & SEWAGE
C.B.C.D. NO PREZONING HEARING NOTICE
ZONING MAP C-2 TAX MAP 68 1/200 MAP NW-9-D
* NO HEARING CHANGES REQUIRED
THIS IS A 4" X 4" STEEL WIRE & VINYL LINE POST
THIS IS A TOTALY REMOVABLE STRUCTURE
BEING IN THE 23' DIST. OF PLAT C.D.M.A.
NONE OF THESE LOTS ARE IN ANY TYPE OF
FLOOD PLAIN AREAS

LOCATION: 2737 & 2739 MOORES VALLEY DRIVE
BALTO MD 21209

SCALE 1"=30'	APPROVED BY	DRAWN BY
DATE 5-20-90	JOINT OWNERS	DVL
	OWNERS #2737 OLWYN DIAMOND	
	#2739 JANICE DIAMOND	
DESIGNED BY	DATE	DRAWING NUMBER
PLD	6/29/90	90-121

